

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 4/8/2019 5:36:01 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]
Subject: RE: Florida letter

Thanks; very helpful.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Monday, April 8, 2019 1:27 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Florida letter

Based on my notes it looks like we received the draft AG's statement during a face-to-face meeting with FDEP on September 5th. My recollection is that we provided some feedback during the meeting, probably on 9/5/18, or the next day on 9/6/18, but I cannot confirm based on my notes. As a result, it'd be safest to not provide a date. I don't think we have provided any comments on the AG's statement since then.

From: Kupchan, Simma
Sent: Monday, April 8, 2019 1:05 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: RE: Florida letter

Thanks!

Also, do you know whether we can state when we provided our latest round of comments on the draft AG statement, by any chance? If it's not safe to provide a date on that, we won't. Thanks!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Monday, April 8, 2019 12:50 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: FW: Florida letter

Simma,

I caught one item that needs to be changed in the Completeness Determination- i.e., EPA did receive a copy of a draft Retained Waters List from the state and based on the list it appears that head of navigation is present for some water bodies but for others it is not. I've attached a revised version of the Completeness Determination in redline.

Not sure if this affects your write up but I wanted to make you were aware of it asap.

Thanks,

Matt

From: Hicks, Matt

Sent: Thursday, April 4, 2019 11:09 AM

To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>

Subject: RE: Florida letter

I believe the summary provided in the Completeness Determination of what we've received in draft versus not at all is accurate but we definitely will want to see whatever you prepare on Monday before it goes out. I think tone will be important but I know that's something you'll be looking out for.

I'm copying Leif and Jeaneanne so that they are in the loop as well.

From: Laycock, Kelly

Sent: Thursday, April 4, 2019 10:53 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>

Subject: RE: Florida letter

Just responding to add my management to the email chain so that they're in the loop moving forward.

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Kupchan, Simma

Sent: Thursday, April 4, 2019 10:51 AM

To: Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Subject: RE: Florida letter

Thanks again for all of your quick help with this yesterday. Matt found the status paper extremely helpful and enlightening.

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Happy to chat if you like. Thanks!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Ghosh, Mita
Sent: Wednesday, April 3, 2019 6:39 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Simma:

Ex. 5 Deliberative Process (DP)

Mita Ghosh
Chief, Office of Water Legal Support
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 4:24 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

David's language:

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 3:47 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Let's use my conference line: **Ex. 6 Personal Privacy (PP)**

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 2:36 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Great. How about we talk at 4:15 to quickly run through the regs. Whoever would like to join is welcome, but I'll let you all decide if you think you need to be there. I'd like to finish by 4:45.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 1:55 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I like your idea about formatting.

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:40 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

This is great. Yes, I think we should be able to get this done pretty quickly.

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 1:34 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I'm available at 4:00.

Ex. 5 Deliberative Process (DP)

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:28 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Laycock, Kelly
Sent: Wednesday, April 3, 2019 1:11 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I have to leave at 5 but I could join a call before that.

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:07 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FW: Florida letter

See below. I am busy until about 4 – anyone free to talk then, by any chance?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Wednesday, April 3, 2019 12:54 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Florida letter

Thanks for tracking all of this down, Simma

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Tuesday, April 2, 2019 5:21 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Florida letter

Hi David,

Ex. 5 Deliberative Process (DP)

I'd be happy to discuss further. Thanks for your attention in the meantime.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Monday, April 1, 2019 10:14 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Florida letter

Hi, Simma. That timing works for me. Is your plan to float this idea to the team in R4 today so that they can provide their views on the call tomorrow?

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Monday, April 1, 2019 10:11 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Florida letter

Hi David,

I will discuss Matt's proposal with Region 4. Would it be ok if I got back to you tomorrow afternoon (we have a regularly scheduled call with all of the key Regional players tomorrow morning), or would you like to move faster than that?

Thanks,

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Monday, April 1, 2019 10:03 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: Florida letter

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David Fotouhi

Principal Deputy General Counsel
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